IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FOURTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 11582 of 2005

Between:

1 Yelamanchili Vara Lakshmi, W/o. Late Y.Nagabushanam,
R/o. D.No. 55-14-1, Plot Nos. LIG 36&37 ,
H.B.Colony, Main road, Seetammadhara, Visakhapatnam.

2 Sri Y.S.Koteswara Rao, S/o. Late Y.Nagabushanam, Age:47 yrs,

R/o.Near D.No.55-14-1, Plot Nos. LIG 36 & 37 , H.B. Colony, Main

Road, Seetammadhara, Visakhapatnam.

..... PETITIONERS

AND

The Visakhapatnam Municipal Corporation, rep. by its Commissioner,
Visakhapatnam.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate order or direction more particularly one in the nature of writ of mandamus declaring that the notice issued by the respondent dated 13.05.2000005 to demolish certain portion of structures raised in the premises bearing Near Door NO.55-14-1, Plot Nos. LIG 36 & 37 , H.B. Colony, Main Road, Seetammadhara, Visakhapatnam as illegal, arbitrary and without jurisdiction and consequently direct the respondent herein not demolish any portion of the building.

Counsel for the Petitioner:MR.P.R.PRASAD

Counsel for the Respondent: MR.N.RANGA REDDY (SC FOR MNICIPAL CROP. VSP.)

The Court at the admission stage made the following O R D E R:

THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.No.11582 OF 2005

O R D E R:

Heard the learned counsel appearing for both the parties.

The petitioners question the notice dated 13.05.2005 issued by the respondent. The said notice was issued stating that the petitioners constructed the building with several deviations and as per the sanctioned plan, the permissible coverage is 42% but the construction was made for 53% and, therefore, the petitioners have violated the provisions contained in Sections 440 and 452 of the Hyderabad Municipal Corporation Act and G.O.Ms.No.423 M.A., dated 31.07.1998. The petitioners were therefore requested to attend the office and show cause as to why the building or such portion/portions of the said building should not be demolished. The grievance of the petitioners is that though they made a detailed representation on 18.05.2005, the respondents without affording any opportunity to them are trying to demolish the alleged deviations. Hence this writ petition.

Having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition directing the respondent to consider and dispose of the representation dated 18.05.2005 within a period of two weeks from the date of receipt of a copy of this order. Till then, status quo obtaining as on today shall be maintained. No costs.

24th, May, 2005

usd

To

1) The Visakhapatnam Municipal Corporation, rep. by its Commissioner, Visakhapatnam.

2) 2 CD copies

3) 1 CC to MR.PRASAD

4) 1 CC to MR.RANGA REDDY

*Form-NIC-OGS/WP{**NS**}*